



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/112,276	07/09/1998	TSE HO KEUNG		6721

7590 09/30/2002

HO KEUNG TSE  
P O BOX 70492  
KLN CENTRAL POST OFFICE,  
HONG KONG

EXAMINER

BARRON JR, GILBERTO

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/30/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No.	Applicant(s)
	09/112,276	HO KEUNG, TSE
	Examiner Gilberto Barrón Jr.	Art Unit 2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: SEE ATTACHMENT.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.
9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10.  Other: \_\_\_\_\_

Gilberto Barrón Jr.  
Primary Examiner  
Art Unit: 2132

***Response to Amendment***

The proposed amendments are all new issues that have not been previously considered.

The proposed amendments do not materially reduce the issues for appeal. The rewording of the claims do not improve the issues for appeal, but instead complicate matters in ascertaining whether the same limitations or new issues are being presented

***Response to Arguments***

This Response will try to follow the order of points raised by Applicant in the paper filed September 26, 2002.

- 1) All amendments submitted from March 6, 2001 to present have been entered and fully considered. There are currently 22 pending claims (numbered form 1 to 22) in the instant application.
- 2) The drawing, showing Figure 1 and 2, has been accepted.
- 3) The term "favourable" does not have an accepted definition and remains indefinite in the context of the claims.
- 4) A copy of claims 20-22 is included to show the claims as currently pending.
- 5) Applicant has included an argument directed to Yuval et al. However, there is no rejection over this reference.
- 6) Haas et al. qualifies as prior art under 102(e). However, the claims are rejected under 103(a) as obvious and not 102, anticipation. Applicant's arguments are directed to the individual references. The portion entitled "Argument for overcoming Haas et al." is not

persuasive because it does not address the combination or obviousness rejection over the references of Wiedemer and Haas.

- 7) The argument regarding the Haas reference is not persuasive as it argues claim indefiniteness and not the disclosure or teachings of Haas as cited in the rejection.
- 8) Applicant's argument that the limitation "without causing a electronic commerce operation being performed" is not persuasive since Haas teaches an enabling electronic commerce operation for which a rightful user has to be responsible for without causing an electronic commerce operation from being performed, i.e., the display of a credit card number. This enables an electronic commerce operation without causing it to occur.
- 9) The argument that the prior art does not disclose the identity information is not persuasive as Wiedemer is cited as disclosing that element in the grounds of rejection.
- 10) Claims 9 and 11 are indefinite as it is not clear how the computer readable medium being in the form of a data signal embodied in a carrier wave can function to store the recited identity program code.
- 11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilberto Barrón Jr. whose telephone number is (703) 305-1830. The examiner can normally be reached on Mondays thru Thursdays from 8:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.

The fax phone number for OFFICIAL responses for the organization where this application or proceeding is assigned is (703) 746-7239.

The fax phone number for AFTER FINAL responses for the organization where this application or proceeding is assigned is (703) 746-7238.

The fax phone number for DRAFT proposals for the organization where this application or proceeding is assigned is (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100